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|--|-------------|----------------------|------------------------------|------------------------|
| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO.       |
| 09/828,414   | 04/06/2001  | Oumar Nabe           | 17207-00009                  | 5145                   |
| 7590<br>John S. Beulick<br>Armstrong Teasdale LLP<br>One Metropolitan Sq., Suite 2600<br>St. Louis, MO 63102 |             |                      | EXAMINER<br>FELTEN, DANIEL S |                        |
|  |             |                      | ART UNIT<br>3694             | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>11/29/2007      | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/828,414

**Applicant(s)**

NABE ET AL.

**Examiner**

Daniel S. Felten

**Art Unit**

3694

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) 22-30 and 43-64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 & 31-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-21 and 31-42 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 3, 5-11, 13, 16-21, 31-37, 40-42 rejected under 35 U.S.C. 102(a) as being anticipated by Jones, III et al (US 6,925,441).

Jones discloses a method for managing customer relationships between customers (see column 3, lines 31+); a dealer (vendor, merchant or organization) (107, 109, 111, 113), and a lender (or lending institution) 101, wherein the dealer offers products for sale to the customers and the lender is engaged in a business of providing financing, said method comprising the steps of: providing a database of customer information, customer spending data, and customer financial data for each customer stored within the database (see Jones Abstract, column 6, lines 28 to column 7, line 45), wherein the financial data includes at least one of income, loan and credit payment history, and loan and credit overpayments for each customer (see column 6, lines 39-51);

predicting future customer behavior for each customer stored in the database based on the customer information, customer spending-and data, and customer financial data (see Jones column 6, lines 28 to column 7, line 45);

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calculating for each customer at least one of an expected income (where “high net worth” suggests expected income) from the customer for the dealer and a timing of purchase of a product from the dealer (column 7, lines 8-11) based on the predicted future customer behavior (see Jones column 6, lines 28 to column 7, line 45);

generating a list of targeted customers based on the calculated expected income and the calculated timing of purchase, wherein a. targeted customer is a customer designated for receiving from the dealer a personalized offer (or appropriate customer) for sale of a product database (see Jones Abstract, column 6, lines 28 to column 7, line 45);

constructing customer campaigns with personalized offers (or appropriate for the targeted customers (see Jones Abstract, column 6, lines 28 to column 7, line 45);

and

providing financing by the lender for the dealer as part of the offer to the targeted customers, wherein the lender provides financing to the targeted customers that purchase a product from the dealer as a result of the customer campaigns (see fig. 2, column 8, lines 65 to column 9, line 34).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 12, 38 and 4, 14 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones, III et al (US 6,925,441)

Jones fails to disclose Hit and run model or a dormancy model. Hit and Run and Dormancy are conventional mathematical models that are used to perform data analysis. Jones performs market data analysis that is based upon a model. Therefore, Official Notice is taken of Hit and Run and Dormancy models as being obvious extensions to Jones market analysis to provide alternative market campaigns to help target specific customers. Such a feature would be an obvious expedient to one of ordinary skill in the art at the time of Jones' invention.

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patents:

Basch et al (US6,658,393) Discloses Financial Risk Prediction Systems and Methods therefor.

Galperm et al (US 6,993,493) Method for Optimizing net present value of a cross-selling market campaign.

Petz et al (US 7,269,567) system and method for integrated customer management

O'Flaherty et al (US 6,253,203) discloses privacy-enhanced database

Veldhusien (US 6,480,850) discloses system and method for managing data privacy

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

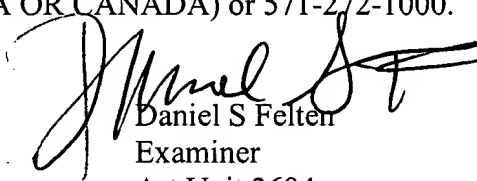
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (571) 272-6742.

The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Daniel S Felten  
Examiner  
Art Unit 3694

Dsf  
10/25/2007